

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
HOTEL/MOTEL REGULATIONS WORK SESSION
Wednesday, March 28, 2007**

A work session of the Williamsburg Planning Commission was held on Wednesday, March 28, 2007, at 4:00 p.m., in Conference Room 3A, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE AND CALL TO ORDER

Present were Commissioners Pons, McBeth, Hertzler, Driscoll, Kafes and Young. Absent was Commissioner Joseph. Also present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes and City Attorney Phillips.

BEAUTIFICATION ADVISORY COMMITTEE PROJECTS

David Kranbuehl, Chair of the Beautification Advisory Committee, reviewed the projects proposed by the Beautification Advisory Committee, and asked for the Commission's endorsement. He said that the first project is a color planting-beautification project for lower Richmond Road, lower Jamestown Road, South and North Boundary Streets including perhaps alongside the Library, Community Building and Stryker Building. The project would mount hanging baskets on 10 light poles on Richmond Road, eight light poles on Jamestown Road, and four light poles in the vicinity of the Library. Annual cost would be around \$30-35,000. The second project is to add plantings to significantly enhance the section of Lafayette Street adjacent to Colonial Williamsburg. A plan has been developed for 300 shrubs and 10 trees with a maximum cost of \$15,000. Mr. Hertzler said that he loves the idea of the hanging baskets, but is concerned about the ongoing maintenance costs. After additional discussion, it was the consensus of the Commission to endorse the programs proposed by the Beautification Advisory Committee.

Mr. Pons recused himself from the hotel and motel regulation issue.

STAFF PRESENTATION OF REGULATIONS FOR HOTELS AND MOTELS

Mr. Nester gave a brief presentation on the hotel and motel regulations. He said that this work session was scheduled at the initiative of the Commission following its recommendation for denial of the extension of the exchange visitor regulations to the B-3 and MS Districts on February 14. The Commission identified several items for discussion at today's work session: 30 day limit on transient occupancy, the newly adopted regulations on exchange visitors, providing housing for employees of an individual hotel on-site, regulations for extended stay visitors, and how other jurisdictions handle the issues.

Mr. Nester said that the City's hotel/motel regulations began with the first Zoning Ordinance in 1947. Transient occupancy was defined as "less than one week" from 1947 until 1989. In 1989, the definition was changed to "less than 30 consecutive days." Definitions for hotels and motels have also changed over time, with the present definition in place since 1991.

Mr. Nester noted that "transient" is most often not defined. Manassas defines it as less than 91 nights per individual per year, Newport News "a person who resides temporarily within the city limits, and Suffolk two weeks or less. Across the country definitions vary: less than 30 consecutive days in Carefree, AZ; less than 180 days in Maui County, HI; "less than monthly periods" in Myrtle Beach, SC.

Mr. Nester said that the present exchange visitor regulations, which include the one bed per person rule, were adopted by City Council in January 2007. A request from Busch Entertainment Corporation to house 80 exchange visitors in the Econo-Lodge Motel across from the International Housing Village is now being considered by the Board of Zoning Appeals.

Mr. Nester said that no provisions are contained in the Zoning Ordinance for the housing of hotel/motel employees on site, except as allowed by the Exchange Visitor regulations.

Mr. Nester pointed out that there are also no provisions for extended stay visitors – all visitors are subject to the Zoning Ordinance provisions defining a visitor as staying "less than 30 consecutive days." He noted that Winchester allows no more than 10% of the total number of units to exceed the 30 day limit up to a maximum of nine months, and that Newport News defines an extended stay motel but has no time limits in the definition. Mr. Nester reviewed the extended stay regulations for several jurisdictions across the country.

Mr. Rhodes reviewed the inspections that are done of motels and hotels on an annual basis by the Fire Department and the Health Department.

Mr. Nester reviewed a range of six options for regulating hotels/motels and timeshare units: no change; reduced regulations for exchange visitors, hotel/motel employees option, two extended stay options, and a "least regulation option" of removal of the 30-day limitation. He said that these are not staff recommendations, but are intended as a starting point for discussion of this issue.

OPEN FORUM

Frank Tsutras, 6264 Glenwilton Lane in Lightfoot, said that he has submitted a written statement. He recommended deleting the 30 day limitation, and that the City should meet with the hotel/motel/restaurant industry to discuss problems and solutions. Mr.

Tsutras said there is a \$20-30 million investment represented in the room tonight. He noted that government regulations can adversely affect cash flow and tax revenue. He said that people should be allowed to run their businesses the way they see fit.

Kimberly Slade, 948 Hunts Road, Virginia Beach, said that she was representing the Hotel/Motel Association and works for LTD Management, which manages five hotels in Williamsburg. She said that the 30 day limit affects hotels and other businesses, since we do not have an ample supply of labor in the area. She said that the J-1 visitors are needed to accommodate our guests. She said that we need to understand the clientele of area hotels: tourists; military (Cheatham Annex, Camp Peary, Fort Eustis) that needs lodging for more than 30 days; entertainment workers (film and entertainment crews); insurance industry (both workers and need for temporary housing); medical facility workers; and construction industry workers (construction crews). This diverse group of clients is not served well by the 30 day rule. She said that they want a viable solution that allows the City to remain competitive.

Rex Hoover, 130 John Rolfe Lane, President of the Restaurant Association, said he would like to see the elimination of the 30 day rule. He said that he is not in favor of rules that restrict trade. Hotel impacts also impair restaurant operation, and J-1 visitors are an important part of the industry. Better ways need to be found to accommodate these workers.

Bob Hershberger, Executive Vice President for the Williamsburg Chamber of Commerce and Tourism Alliance, noted that it was a consensus from an earlier meeting of hotel and Planning Department representatives that the 30 day rule should be eliminated. He noted changes in the make-up of hotel properties since 1989, and said that some promote extended stay opportunities. He said that the group felt that J-1 visitors and extended stay visitors were separate issues.

Eunice Gibbs, 254 Claiborne Drive, an employee of LTD Management, said that they manage five hotels: Holiday Inn Express, Residence Inn, Springhill Suites, Fairway Inn, and Quality Suites. She favored eliminating the 30 day rule, and noted that active duty military, insurance workers, medical workers are an important component of their business.

Ratnam Patel, 217 Sir Thomas Lunsford, owner of Days Inn and Hampton Inn on Richmond Road and Hampton Inn on Capitol Landing Road, opposed the 30 day rule. He said that a majority of the City's tax dollars come from the tourist industry, and the City is restricting how we do business. He said there is a big problem with labor, and the J-1 students are needed. He said they work all over, and asked why City Council is regulating beds as a moral issue. He said they come in groups and are friends – and that he doesn't dictate sleeping arrangements.

John Whitley, 710 Monumental Avenue, represented George Prassas, owner of the National Pancake & Waffle House II and the Colonial Pancake House. He said that Planning Commission should revoke the 30 day rule, and noted that they are against any law that inhibits free trade.

Courtney Jordan, 75 Hotpin Street, Newport News, LTD Management employee, said that a large portion of her job is placing long term guests – she said that if the 30 day rule remains it could impact her job.

Stewart Goddin, 715 Goodwin Street, urged the Commission to consider unintended consequences. He said that the elimination of the 30 day rule could put new residents in hotels, and that they could be eligible for City services and eligible to vote. He noted that the City has no enforcement mechanism. He said any dialog on these issues needs to include citizens as well as businesses. He noted that hotels are not apartments, and expressed opposition to hotels becoming multifamily dwellings – if this is the case they should abide by multifamily regulations. He also asked if college students could be excluded. He said that maybe extended stay could be allowed with specific facilities (Milford, CT). In some cases, it might be necessary to tear down properties. He said he didn't want to see older hotels jammed full of people who are willing to stay longer. He said that as you open it to others, it will increase the demand. Some tourists may not be able to come here.

Lynette Kraus, 4117 Windy Hill Drive, Newport News, LTD Management Employee, said she previously worked for a corporate relocation company, and pointed out the need for longer term stays.

Kelly Matthews, 106 Arcadian Loop, Yorktown, LTD Management employee, said she rents to tour guides, and that they need accommodations for more than 30 days.

Scott Crasl, 327 Merrimac Trail, involved with Springhill Suites and Residence Inn. He said that the J-1 visitor issues are crucial, especially in light of the upcoming season. Not having enough employees could cause future problems. He said that they provide a home away from home for government employees and the military.

Dick Burke, 209 Suri Drive, talked about the focus group that discussed the revisions to exchange visitor regulations. He said that the 30 day rule was never brought up in that discussion. He said we are now talking about turning non-competitive motels into apartments. He said that while hotel/motel/restaurant business have problems, citizens also have issues. Eliminating the 30 day rule would be a much greater issue than what was done previously.

David Kranbuehl, 201 Harrison Avenue, said that the J-1 issue needs to be kept separate – it is a regional problem. He said that if properly done, there is nothing wrong with housing people for 60/90 days. He said enforcement is needed of City rules.

Although sympathetic of motels with low occupancy rates, he said that sometimes things need to be torn down. He said we need appropriate facilities for J-1 students, but don't need to provide general student housing. To totally eliminate the 30 day rule would be inappropriate.

David Bryhn, 927 Capitol Landing Road, said that he has rented to extended stay visitors since 1968, and will continue to rent to them. He said that it was a mistake to build Brandywyne – the houses are too close together and an eyesore. The City needs to make it reasonable for J-1 visitors.

Chris Canavos, Newport News, Colonial Pancake House, said that citizens need to understand how the hospitality industry functions. Last year, out of 60 hotels, only two were over 70% occupancy. He opposed restraint of trade, and asked why Williamsburg is different from the rest of the state that doesn't have a 30 day rule. He said we shouldn't be legislating moral issues. The tourism industry that generates 75% of City revenue needs to be protected.

Dean Canavos, Newport News, Colonial Pancake House, said that there needs to be a happy medium. He said he is against the 30 day rule. He noted impending severe shortages of employees in the area, and said that J-1 visitors are needed. He said that transportation is a big problem for J-1 visitors – we need places to house them close to where they work.

Steve Deeds, Williamsburg Hospitality House manager, said that the labor market is the same all over – without the assistance of J-1 students and other temporary workers we will fail. He said that if he doesn't have the people to run the business, he can't provide good service, and visitors will find somewhere else to go.

Michelle Bryhn, 927 Capitol Landing Road, said that she has enjoyed living there for 20 years.

John Whitley, 710 Monumental Avenue, said that tourism is what keeps this area what it is. He said that there is hope for the future, especially with institutions like the local campus of Thomas Nelson Community College, but that we also need to deal with present needs. He said the 30 day rule needs to be resolved to afford more flexibility.

Mr. Hertzler closed the Open Forum.

PLANNING COMMISSION REVIEW AND DISCUSSION

Mr. Kafes suggested that at the next meeting a public hearing be scheduled to abolish the 30 day rule – most jurisdictions in the state do not have it, and concerns about “roach motels” can be handled by the health, fire and building codes. As an alternate,

he said the 30 days could be extended to 180 days with exemptions for hotel residents who work at the hotel, extended stay units with kitchens, and 10% of the total units.

Mr. Driscoll said that we don't need to be in the morality business; we don't need to tell people how to run their business. He said we can address the issue that units can't be used for residential purposes. He said that we need to stop micro-managing.

Mrs. McBeth asked about taxation issues for transient visitors, and Mr. Nester and Mr. Phillips said that this is subject to state regulations.

Mr. Young said that it is unfair to single out a single industry for higher regulation. He said that the 1 person 1 bed rule is misguided. He questioned whether or not we want to make our core revenue source dry up.

Mr. Hertzler said he can see both sides, but wonders how we can keep "roach motels" from happening. A better enforcement mechanism needs to be in place.

Mr. Young said the City has plenty of enforcement from the Health and Fire Departments, and there are plenty of requirements for appearance. He asked how you enforce regulations stating that a motel is not a permanent residence. Mr. Phillips said that regulations could be added to require that a manifest be kept and periodically submitted to the City, but wondered if the City wants to increase staff to do more enforcement.

Mr. Nester said that the procedure to resolve these issues would be for the Commission to decide what regulations they want, instruct staff to prepare final drafts, and discuss at the April Planning Commission meeting. If the issues are resolved, ordinances could be advertised for a May public hearing. He said that staff needs clear direction from the Commission as to what changes are needed.

Mr. Kafes suggested that the Commission consider two options:

1. Abolish the 30 day rule; or
2. Extend the 30 days to 180 days, with the following exceptions:
 - a. Hotel employees residing at a hotel in connection with their job responsibilities.
 - b. Guests staying at any hotel unit equipped for extend stay (i.e., a unit containing complete kitchen facilities as certified by the building inspector).
 - c. No more than 10% of the units in an individual hotel.
 - d. All exemptions would be cumulative.

As the discussion continued, it was determined that hotel use needed to be differentiated from multifamily residential use, and that the two alternatives described above would replace the existing exchange visitor regulations.

Mr. Nester said that he would prepare suitable drafts for the next Planning Commission meeting.

OPEN FORUM

Ratnam Patel, 217 Sir Thomas Lunsford Lane, said that he didn't want any motel to be a "roach motel," and noted that you can't have a law just to handle a single bad situation. He said a lot of people can't afford to stay at a facility like the Residence Inn for extended time, and noted that construction workers may rather want to stay at a facility like Days Inn without individual kitchens. We need to allow for construction workers to stay at facilities like this for 60-90 days.

Frank Tsutras, 6264 Glenwilton Lane, Lightfoot, made additional suggestions for items to consider and asked that the financial status of the businesses not be jeopardized.

John Whitley, 710 Monumental Avenue, commended the Commission for its efforts.

Bob Hershberger, Executive Vice President for the Chamber and Tourism Alliance, thanked the Commission for its willingness to consider the issue. He cautioned about making a kitchen a requirement for extended stay visitors.

David Kranbuehl, 201 Harrison Avenue, said that student dormitories were an issue that wasn't discussed. He said we need to make sure that removal of the 30 day requirement doesn't allow facilities to become student dormitories.

Scott Crouch thanked the Commission for listening and said that everyone wants to make Williamsburg a better place.

David Bryhn, 927 Capitol Landing Road, said that the best option is to eliminate the 30 day rule. He said we need to upgrade facilities for all guests. Mr. Bryhn questioned if anyone had ever been cited for violating the 30 day rule.

The meeting adjourned at 6:35 p.m.

Douglas Pons, Chairman
Williamsburg Planning Commission